

JOHN L. WIRT.

DECEMBER 19, 1856.—Ordered to be printed.

Mr. THURSTON, from the Committee on Accounts, made the following

REPORT.

The Committee on Accounts, to whom were referred the petition and papers of John L. Wirt, who was wounded by the discharge of a pistol while performing his official duty as a police officer of the Capitol, having carefully read the petition and testimony in the case, beg leave to submit the following report:

Your committee find the petitioner to have been wounded, as alleged, on the 23d day of April, 1844, as appears by the Journal of the House of Representatives of that date, and as is minutely described by John Fred. May, M. D., in his certificate of the 25th May, 1844, accompanying the papers in this case, and which is marked No. 1, and his affidavits of June 30, 1846, marked No. 2, and January 15, 1852, marked No. 3, together with his certificate of the 3d of March, 1856, which are entitled to full credit, and which proves, beyond a doubt, that a permanent disability has grown out of the wound received as aforesaid, which is wasting away the life of the petitioner, as is clearly proved by numerous certificates and affidavits of the highest character, and which make a part of this report, and are numbered from one to twelve, inclusive. It appears that the House of Representatives, on the 15th of May, 1844, (twenty-two days after the wound was inflicted,) by resolution, gave the petitioner a bounty of one hundred and fifty dollars, "in consideration of expense incurred by being wounded in the Capitol, while in the discharge of his duties;" but the extent of the injury had not then developed itself, or the bounty of the House would, doubtless, have been of corresponding magnitude. Notwithstanding, the records of the Senate and House of Representatives, and the laws, furnish abundant precedent. (See Statutes at Large, volume 6, pages 12, 57, 103, 193, 245, 373, 770, and 892, and numerous other instances.) As it is the duty of your committee to audit the accounts and control the contingent fund of the House of Representatives only, they cannot refrain from saying that they think the case calls for the attention of Congress, and that the petitioner is worthy of relief.

No. 1.

John F. May's certificate.

WASHINGTON, May 25, 1844.

The injury received by Mr. John L. Wirt on the 23d of April, while in the discharge of his duty at the Capitol, I consider of a very serious

nature, and such as will render him unfit for any actual employment for a considerable period of time.

The wound was made by a ball discharged from a rifle-barrelled pistol, which, entering the anterior part of the thigh about two inches from the groin, passed obliquely upwards and backwards, fracturing the femur or thigh-bone on its anterior and outer surface near the hip. How far the bone is injured it is impossible to decide with *accuracy*, but from an examination made with the finger through the wound, which is about three inches in depth, the bone was found to be broken and extensively denuded, and a fragment of considerable size loose. One piece of bone had already been removed before this examination, and more will, I think, have to exfoliate or be detached before the parts will heal. This will necessarily be attended with pain, a profuse discharge of matter, and an inability to use the limb. I therefore consider him totally unable to perform any active duty while this process is going on.

JNO. FRED. MAY, M. D.

JUNE 27, 1844.

I consider Mr. Wirt still unable to attend to his duty at the Capitol. To recommence his duty at this time would be attended with decided injury to his limb, which might be of a very serious character. If it is desired, I will certify when I consider him able to attend to his duty.

J. F. MAY.

No. 2.

Affidavit of John F. May, Surgeon.

It is hereby certified that John L. Wirt, a police officer of the Capitol of the United States, was disabled and rendered incapable of performing the duty of travelling to the top of the said building by reason of a wound he received whilst actually in the discharge of his duty. By satisfactory evidence, and accurate examination, it appears that on the 23d day of April, 1844, whilst endeavoring to preserve the peace, at or near the west door of the House of Representatives, in the District of Columbia, he received a wound from the discharge of a pistol in the hands of William S. Moore, the ball entering the anterior part of the thigh, about two inches from the groin, passing obliquely upwards and backwards, fracturing the femur or thigh-bone on its anterior and outer surface, near the hip. How far the bone is injured, it is impossible to decide with *accuracy*; but from an examination made with the finger through the wound, which is about three inches in depth, the bone was found to be broken and extensively denuded, and a fragment of considerable size loose; one piece of bone had already been removed before this examination, and more will, I think, have to exfoliate or be detached before the parts will heal. This will necessarily be attended with pain, a profuse discharge of matter, and an

inability to use the limb in performing any active duty while this process is going on. A free use of the limb will be attended with serious consequences to him; he is thereby not only incapacitated for military duty, but, in the opinion of the undersigned, totally disabled from obtaining his subsistence from manual labor.

JNO. F. MAY, M. D.,
Surgeon.

Subscribed and sworn to before me, this 30th June, 1846.

SAMUEL D. KING,
Justice of the Peace, Washington county, D. C.

No. 3.

Certificate of Dr. May.

This is to certify that I attended Mr. John L. Wirt for a gunshot wound received in the discharge of his duty at the Capitol. I have already given him a statement of the nature, and effects upon his system, of the injury which he has received; and from an examination which I have again made of his wound this day, I find it to be much in the same condition as described in my former certificate, and of such a nature as to completely disable him at the present time from obtaining a livelihood by any manual labor.

JOHN FREDERICK MAY, M. D.

WASHINGTON, January 14, 1852.

Sworn to before—

H. NAYLOR, J. P.

JANUARY 15, 1852.

No. 4.

Certificate of C. W. C. Dunnington, Captain of the Police of the Capitol.

At the request of Mr. Wirt, I will state that I have known him for the last six years, being associated with him in the Capitol police. That he has suffered during that time from a wound received in the discharge of his duty; that he is now unable to perform the duty required of him, though he exerts himself to do more than the state of his health warrants. Whatever service he is able to perform, he does cheerfully, and is frequently exposed to the inclemency of the weather when he should be in his room. I have no doubt the wound he has received has been the great cause of his ill health, frequently, after much exertion, incapacitating him from moving about without great pain and inconvenience.

C. W. C. DUNNINGTON,
Principal of Capitol Police.

JANUARY 14, 1854.

FEBRUARY 28, 1856.

I certify that Mr. Wirt's disability still continues, and that he is not capable of performing police duty.

C. W. C. DUNNINGTON,
P. C. P.

No. 5.

Certificate of B. B. French as to his knowledge of my health and constitution from 1836 to 1854.

WASHINGTON, January 14, 1854.

GENTLEMEN: At the request of Mr. J. L. Wirt, I make the following statement:

I have known Mr. Wirt intimately since he first came to the Capitol as one of the police in 1836. Up to the 23d day of April, 1844, Mr. Wirt was a strong, healthy, and able-bodied man, who could endure as much fatigue as any man I was ever with, which I often tested in long and fatiguing shooting excursions.

On that day, when I was present, in the hall of the House of Representatives, a difficulty occurred between two members, when the Sergeant-at-arms interfered, and a man by the name of Moore, not a member or officer, attacked the Sergeant-at-arms. Much excitement ensued, and the police, in conformity with their duty, moved toward the hall. Just as Mr. Wirt was entering the door, Moore discharged a pistol, the ball from which entered Mr. Wirt's leg between the knee and hip. He was taken home, and confined to his bed for a long time. The ball was never extracted, and has never healed. From that day to this, Mr. Wirt's health has been declining, and he is now, in the very meridian of life, a broken-down man, so far as health and the ability to endure fatigue is concerned.

He has suffered very much from his wound, and his sufferings will, probably, only terminate with his life.

His case is one in which, if ever man deserved remuneration for injuries received while doing his duty, he deserves it.

Very respectfully, your obedient servant,

B. B. FRENCH.

To the COMMITTEE OF CLAIMS

of the House of Representatives U. S.

No. 6.

Letter of Honorable J. D. Bright.

WASHINGTON, January 19, 1854.

I have been requested to state how long I have been acquainted with Mr. John L. Wirt, and his physical condition during the time. My

acquaintance with Mr. Wirt commenced about five years since as a boarder at his house. I have seen him almost daily since, during the sessions of Congress, and bear willing testimony as to his industry, honesty, sobriety, and gentlemanly deportment. Mr. Wirt has been in a feeble state of body, and often confined to his bed in the time I have mentioned, unable to go out of his room; indeed, I have often seen him on duty as a watchman at the Capitol, when he ought to have been under the care of his physician. I have often advised him to keep his room, telling him that he endangered his life by exposure. I understand the chief cause of Mr. Wirt's feeble health to arise from a wound he received from a pistol shot in the Capitol, in endeavoring to suppress a fight in the hall of the House of Representatives some years since. It may not be out of place here for me to state what I have said to others, and that is, that Mr. Wirt has, in my opinion, a just claim upon the government for an annual pension, and his case is one that addresses itself, by every humane consideration, to the favorable action of Congress.

Mr. Wirt is at liberty to make any use of this letter he may deem proper.

JESSE D. BRIGHT.

No. 7.

Certificate of Dr. J. A. Ritchie.

Having known Mr. John L. Wirt intimately from early boyhood to the present time, I have had every opportunity to acquaint myself with his once vigorous and active constitution, and to witness the decline of his health, and the manifest cause of its impairment.

Previous to the receipt of the wound in his thigh at the Capitol, in 1844, I certainly never knew a more robust and vigorous constitution than his, nor one more capable of endurance and fatigue. After a long and harassing confinement from that wound, having patiently endured every painful exploration that surgical skill could suggest to extract the ball from its position, without avail, he arose from his bed enfeebled and suffering to resume his post at the Capitol.

Incapacitated as he had been by this unfortunate accident, from the performance of manual labor, or bodily exertion of any kind, with a family dependent on him for support, he was still stimulated to the discharge of his usual duties.

I have no doubt but what the exertions necessary to enable him to discharge those duties, exposing him night and day to the inclemencies of the season, and the sufferings from the discharge of the wound, have contributed to undermine his debilitated constitution, and bring on the serious disease under which he now labors.

Respectfully,

JOSHUA A. RITCHIE, M. D.

JANUARY 21, 1854.

No. 8.

Letter of testimony of A. K. Arnold.

JANUARY 21, 1854.

At the request of Mr. John L. Wirt, I cheerfully give my testimony as to his present state of health, to be used before the committees of both houses of Congress.

I was appointed one of the police of the Capitol of the United States on the 1st day of September last, and associated with Mr. Wirt as a colleague, on duty every other night and day.

It seriously distressed me to hear him cough and strain every morning, to such an extent that I apprehend his breaking a blood-vessel, if he exerts himself in the slightest manner. So feeble is his health at this time, that changes of weather seriously affect him—sometimes confining him to his house and his bed; he experiences great distress in breathing by ascending a single flight of steps, or walking up a hill, which has induced the police and watch in the Capitol grounds to close the gates assigned to him as his duty, so as thereby to relieve him from performing this duty, which I believe he would do if he had to crawl to do it. My candid opinion is, that if he continues to endeavor to discharge the duties of his present position, he will soon terminate his existence.

A. K. ARNOLD.

DISTRICT OF COLUMBIA, }
 Washington County, } *to wit:*

I do hereby certify that Mr. John L. Wirt's disability continues as bad as ever.

Witness my hand, this third day of March, 1856.

A. K. ARNOLD.

No. 9.

Testimony of J. H. Wailes.

WASHINGTON, January 21, 1854.

At the request of Mr. J. L. Wirt, I pen this, my intimate knowledge of his state of health, to be used by him as evidence in his case before the committees of both houses of Congress.

My first acquaintance with Mr. J. L. Wirt was in 1836, when first appointed one of the police of the Capitol. He then was young, sprightly, healthy, and active, and an efficient officer. In April, 1844, he was wounded by a shot while he was in the discharge of his duties as police officer of the Capitol at the door of the House of Representatives; after he received the wound he was for a long time confined, and when able to get out he was obliged to use crutches; he has, to my knowledge, many a time, over and over again, risked his health and life by his over-exerting himself to discharge his duty to the government. While suffering from the painful effects of the wound, which prevents him from moving actively in the open air, while he

was on duty with me in inclement weather he was often exposed for hours together in rain and cold, days and nights in succession. We were together three years up to the day of my dismissal from office, September 1, 1853. Since Mr. Wirt received the wound above mentioned, he has been severely afflicted with a violent cough and shortness of breath, to such an extent that he cannot, at this time, ascend a flight of steps, or walk up hill, or exert himself in the slightest degree, without suffering great distress. Since Mr. Wirt received the wound his health has been getting worse; he is so badly afflicted that I have often been apprehensive that he would break a blood-vessel, or fall dead from the effects of asthma, produced by his daily spells of coughing, brought on by his willingness and determined disposition to do the duty required of him. I have often, through sympathy for him, done part of his duties, so as to relieve him all I could; and I do believe that the exposure and exertion in the discharge of his duties day and night, for the support of himself and his interesting family, will soon prove fatal to him.

I remain, with great respect, your colleague,

J. H. WAILES.

No. 10.

Letter of General J. Lane.

HOUSE OF REPRESENTATIVES, *January 30, 1854.*

My acquaintance with John L. Wirt, esq., dates from the first day of December, 1851. I have boarded at his house the greater part of the time Congress has been in session since that time. My acquaintance has, therefore, been of a character sufficiently intimate to furnish me ample means of becoming well acquainted with his general health, which has been uniformly feeble. I have often seen him on duty at the Capitol, exposed day and night to every inclemency of weather, when, in my judgment, he ought to have been in the hands of his doctor and in a comfortable room. Some years since, while in discharge of his duty, in attempting to arrest and put down a riot in the House of Representatives, he received a pistol shot in the thigh, which has made him a cripple for life. The wound in question has become a continued running sore, seriously affecting his general health, and is no doubt the main and first, if not the only cause of his present debilitation and ill health. His present position in the police service has doubtless done much to aggravate the disease arising from this wound.

He is now the victim of chronic disease beyond the power of complete eradication, though his existence might be prolonged by pursuits less arduous and exposed than those incident to his present position. He is a gentleman of strict integrity and honor, and has ever shown himself a faithful and efficient officer.

I believe that principles of equity and sound justice dictate that,

having received this wound in the strict and, I may say, brave discharge of his duty, he should not be permitted to suffer without just remuneration; and that his case appeals not so much to your generosity as to your sense of equal and exact justice.

The pecuniary circumstances of Mr. Wirt being quite limited, the same sense of justice suggests the prompt, as it would be just, exercise of your action for his much-needed relief.

Believing thus, I can do no less than respectfully submit for your generous consideration, with the hope that it may not be in vain to Mr. Wirt's petition for relief, the facts above stated.

Your obedient servant,

JOSEPH LANE.

[Mr. Wirt is at liberty to use this letter before the committee, or otherwise.]

No. 11.

Affidavit of Alexander Gillespie.

WASHINGTON, D. C., February 27, 1856.

I hereby certify that, on or about the 23d of April, 1844, I was employed as a messenger of the House of Representatives in attending to one of the doors leading to the hall, at the time a difficulty occurred between two members of the House, which created great disorder and confusion. William S. Moore, of Kentucky, drew a pistol, fired it, and I saw John L. Wirt, one of the police officers of the Capitol, as he came out of the door I was attending—said Wirt having received a severe wound in the right thigh by the ball shot from the pistol in the hands of Moore.

A. GILLESPIE.

Sworn to and subscribed before me, this 27th day of February, 1856.

C. W. C. DUNNINGTON, J. P.

No. 12.

A certificate of Dr. John F. May.

MARCH 3, 1856.

I certify that the thigh of John L. Wirt has, within the last three months, again gathered in front, and required to be opened; and that there is now in that part of the limb a considerable ulcer, attended with free discharge daily.

JNO. FRED. MAY, M. D.